UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/C.3/52/L.65
20 November 1997

ORIGINAL: ENGLISH

Fifty-second session
THIRD COMMITTEE
Agenda item 112 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Canada, Ethiopia and Rwanda: draft resolution

Situation of human rights in Rwanda

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights,[2] the Convention on the Prevention and Punishment of the Crime of Genocide[3] and other applicable standards of human rights and humanitarian law,

Recalling its resolution 51/114 of 12 December 1996 and relevant previous resolutions, and taking note of Commission on Human Rights resolution 1997/66 of 16 April 1997,[4]

Recognizing that effective action must be taken to ensure that the perpetrators of genocide and crimes against humanity are promptly brought to justice,

Recalling that respect for human rights and fundamental freedoms is embodied in the Rwandan Constitution as amended by the Peace Agreement between

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] Resolution 260 A (III).

[4] See Official Records of the Economic and Social Council, 1997, Supplement No. 3 (E/1997/23), chap. II, sect. A.

the Government of the Rwandese Republic and the Rwandese Patriotic Front, signed at Arusha on 4 August 1993,[5] and that a strengthened human rights component is indispensable for national reconciliation and reconstruction,

Expressing its grave concern at the deterioration of the security situation in some communes of western Rwanda due to the infiltration of criminal elements of the former government and militia which committed the act of genocide in Rwanda in 1994,

1. Welcomes with appreciation the appointment of Mrs. Mary Robinson as United Nations High Commissioner for Human Rights and her statement of 14 November 1997 to the Third Committee of the General Assembly regarding the role of the High Commissioner;

2. Reiterates its strong condemnation of genocide as a crime against humanity and all other violations of human rights that were perpetrated in Rwanda in 1994, and expresses its concern at the alleged continuation of human rights violations in Rwanda;

3. Urges all States to cooperate fully, without delay, with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, taking into account the obligations set forth in Security Council resolutions 955 (1994) of 8 November 1994 and 978 (1995) of 27 February 1995, and encourages the Secretary-General to facilitate the activities of the International Criminal Tribunal to the greatest extent possible;

4. Reaffirms that all persons who committed or authorized acts of genocide or other grave violations of international humanitarian law and those who are responsible for grave violations of human rights are individually responsible and accountable for those violations, and that the international community must exert every effort, in cooperation with national and international tribunals, to bring those responsible to justice, in accordance with international principles of due process;

5. Remains deeply concerned at the continued suffering experienced by the survivors of the genocide and massacres, especially by the most vulnerable persons, and urges the Government of Rwanda and the international community to provide them with the necessary assistance;

6. Takes note of the recommendations made in the report on the situation of human rights in Rwanda,[6] of the Special Representative on Rwanda of the

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[5] See A/48/824-S/26915, annex I; see Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993, document S/26915.

[6] A/52/522, annex.

Commission on Human Rights, in particular that there is a need for greater coordination in the provision of human rights programmes and technical assistance in Rwanda, and that the proposed Rwandan human rights commission should play a key role in coordinating human rights assistance in the country;

7. Welcomes the restructuring of the judicial system and the start of prosecution of those suspected of having committed the crime of genocide and the massacres in Rwanda;

8. Also welcomes the improvement in prison conditions in Rwanda as referred to in the report of the United Nations High Commissioner for Human Rights on the Human Rights Field Operation in Rwanda,[7] while remaining aware of the remaining challenges for further improvements, and affirms the need to expedite the provision of the dossiers of the detainees in accordance with Rwandan law;

9. Expresses grave concern at the killings of civilians, including elderly women and children, during attacks on genocide survivors, witnesses and other innocent people by militias and insurgents opposed to the Government of Rwanda;

10. Reaffirms that ending impunity for acts of genocide and violations of human rights and international humanitarian law is an essential step towards reconstruction and reconciliation in Rwanda;

11. Calls upon States, bodies and agencies of the United Nations system and other international organizations to intensify their efforts to contribute further financial and technical support to efforts of the Government of Rwanda aimed at the resettlement of all the refugees and survivors of the 1994 genocide and massacres, as well as to the implementation of the national reconstruction and resettlement programme;

12. Notes the commitment of the Government of Rwanda to investigating alleged judicial executions committed by some members of the security forces, and calls upon the competent national authorities to conduct these investigations promptly and with all due rigour;

13. Invites the Special Rapporteur of the Commission on Human Rights on violence against women, who visited Rwanda during the month of October 1997 for the purpose of studying the issue of sexual violence, its consequences and its relationship to the ongoing work of the International Criminal Tribunal as well as to the work of the national tribunal, to submit accordingly a report thereon;

14. Welcomes the ongoing trials of those suspected of genocide and crimes against humanity in Rwanda and the improvements in the trial process that have taken place, and also welcomes the commitment of the Government of Rwanda to further strengthen fair trial guarantees and access to legal representation, which are of particular importance given that those found guilty may face the death penalty;

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[7] A/52/486, annex, and Add.1 and Add.1/Rev.1.

15. Also welcomes the work of the Human Rights Field Operation in Rwanda, whose objectives were described in General Assembly resolution 50/200 of 22 December 1995 and the agreement signed between the Government of Rwanda and the human rights field office in Rwanda, and requests the United Nations High Commissioner for Human Rights to continue to report regularly on the activities and findings of the Field Operation and to continue to cooperate and share information with the Special Representative on Rwanda of the Commission on Human Rights;

16. Further welcomes the cooperation that the Government of Rwanda has extended to the United Nations High Commissioner for Human Rights, the Special Representative and the Human Rights Field Operation in Rwanda and the acceptance by the Government of Rwanda of the deployment of human rights field officers throughout the country and in accordance with the terms of the agreement signed between the Government of Rwanda and the Human Rights Field Operation in Rwanda;

17. Encourages dialogue on human rights issues between the Field Operation and the appropriate authorities at the level of the commune and prefecture, and mutual confidence, thereby enabling the authorities in Rwanda to take immediate action on the findings of the Field Operation, to then be submitted to the relevant local authorities for comments and other appropriate action;

18. Condemns in the strongest terms any acts of violence or intimidation against the staff of the United Nations or any other international staff serving in Rwanda, and pays tribute to the memory of those killed;

19. Recommends that the international community take note of the fact that the presence of highly experienced and highly professional human rights field operation staff in Rwanda would contribute towards the establishment of the Rwandan human rights commission, and also recommends that, after consultation with the Government of Rwanda, its activities should aim at strengthening the capacity of Rwandans to deal with human rights and other related issues and that sufficient resources and logistic support should be provided for that purpose;

20. Appeals to the international community to contribute further financial and technical support to the Government of Rwanda towards the strengthening of the Rwandan judicial system and the reconstruction of the human rights infrastructure;

21. Calls upon all States to contribute urgently to the costs of the Human Rights Field Operation in Rwanda and to work for lasting solutions to its financing problems, including through the regular budget of the United Nations;

22. Requests the United Nations High Commissioner for Human Rights to report on the activities and findings of the Human Rights Field Operation in Rwanda to the Commission on Human Rights at its fifty-fourth session, and to the General Assembly at its fifty-third session.